

### **REMARKS**

Reconsideration and withdrawal of the objection and rejection set forth in the Office Action are respectfully requested in view of this amendment and the following reasons. By this amendment, claim 10 has been amended. Accordingly, claims 1, 2, 4-7, 10, and 12-17 are pending in this application.

Claim 10 has been amended to recite the present subject matter more clearly. In particular, claim 10 now describes the electronic timer in connection with the cable through the pick-up. The claim also now describes the pick-up generating the reset signals, and generating the reset signals through the cable through which the tool is attached. Support for these features may be found at least in paragraph [0013] of the present application as published. Thus, it is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

In the outstanding Office Action, the Examiner rejected claims 10 and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,572,288 to Kinley (hereinafter *Kinley*) in view of U.S. Patent No. 5,369,579 to Anderson (hereinafter *Anderson*). Claims 1, 2, 4-7 and 15-17 were allowed, and claims 12 and 13 were deemed to contain allowable subject matter. Applicant appreciates this holding of allowability.

### **Rejections Under 35 U.S.C. §103**

The Examiner rejected claims 10 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Kinley* in view of *Anderson*. *Kinley* is cited as disclosing a cable cutter arranged between a cable and a well tool having an electronic timer. *Anderson* is cited as showing auxillary inlets to get information before, during and after blast. This rejection, as applied to the amended claims, are respectfully traversed.

### **Response**

This rejection is traversed as follows. To establish a *prima facie* case of obviousness, the Examiner must establish: (1) some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

A *prima facie* case of obviousness must also include a showing of the reasons why it would be obvious to modify the references to produce the present invention. *See Dystar Textilfarben GMBH v. C. H. Patrick*, 464 F.3d 1356 (Fed. Cir. 2006). The Examiner bears the initial burden to provide some convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings. *Id.* at 1366.

Claim 10, as amended, recites, *inter alia*:

"... an electronic timer ..., the electronic timer in connection with the cable through the pick-up, wherein the pick-up generates reset signals by a steady detection of the currents in the cable, to which the tool is attached."

It is respectfully submitted that *Kinley* and *Anderson*, taken alone or in combination, fail to suggest the technique of surveying the current running through the main cable (wireline) to which the tool is attached, and thus retrievable from the surface.

According to Applicant's subject matter, as set forth in claim 10, a pick-up (coil or the like) surveys the current running through the main cable (wireline) to which the tool is attached. Thus the data are retrievable from above surface. So long as the current runs through the main cable, the pick-up is able to send a resetting signal to the timer. If the main cable is damaged or destroyed during an operation, a substantially smaller or no current is running in the main cable and the pick-up is no longer able to send a resetting signal to the timer. Subsequently, the time of the timer runs out and the cable cutter is activated.

On the contrary, Applicants submit that the timer of *Kinley* is reset at the beginning of the operation and not during the operation. Furthermore, *Kinley* does not disclose a pick-up continuously surveying if a current is present in the main cable to which the tool is attached. The pick-up of *Kinley* is arranged in connection with the circuit board and is able to reset the timer once. Thus, the resetting of the timer is not based on a steady detection of current in the main cable since the pick-up is not in connection with the main cable. Thus the apparatus is not picking up whether or not there is current running in the main cable.

*Anderson* is cited as teaching a cutter control that has auxiliary inlets. As previously indicated, the data used by *Anderson* is stored in memory:

..." the memory can be dumped to a computer memory \*1.48 for storage and later processing. These well data sets include well data before, during and immediately following blasting to provide a full range of data that evidences the condition of the formation to be produced." (*Anderson* at col. 3, lines 47-52.)

Therefore, *Anderson* fails to cure the deficiencies of *Kinley* with respect to claims 10 and 14.

The cited prior art combination therefore fails to show or suggest Applicants' claimed subject matter as set forth in claims 10 and 14. It is therefore respectfully submitted that the rejection under 35 U.S.C. 103(a) should be withdrawn.

#### **Allowed Claims**

The Examiner indicated that claims 1, 2, 4-7 and 15-17 were allowed, and claims 12 and 13 were allowable over the prior art of record. Applicants appreciate this determination of allowability.

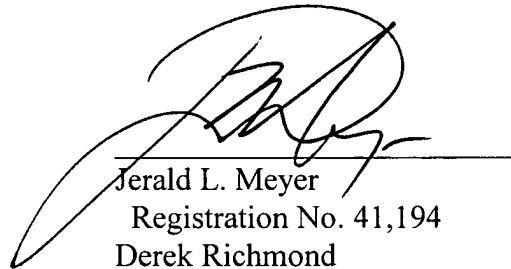
### CONCLUSION

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,  
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